

**Practice Book Revisions**  
**Superior Court**

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**May 17, 2005**

## NOTICE

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### SUPERIOR COURT

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Notice is hereby given that on May 3, 2005 the judges of the Superior Court adopted the Practice Book revisions which are contained herein. These amendments become effective May 17, 2005.

Attest:

Carl E. Testo

*Director of Legal Services*

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### INTRODUCTION

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Contained herein are amendments to the Superior Court rules. These amendments are indicated by brackets for deletions and underlines for added language. The designation "NEW" is printed with the title of each new rule. This material should be used as a supplement to the Practice Book until the 2006 edition of the Practice Book becomes available.

Commentaries to the Superior Court rules are also contained herein. These commentaries are included for informational purposes only. They were not adopted by the Superior Court judges.

Rules Committee of the  
Superior Court

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**Sec. 2-68. Client Security Fund Established**

(a) A client security fund is hereby established to promote public confidence in the judicial system and the integrity of the legal profession by reimbursing clients, to the extent provided for by these rules, for losses resulting from the dishonest conduct of attorneys practicing law in this state in the course of the attorney-client relationship and by providing crisis intervention and referral assistance to attorneys admitted to the practice of law in this state who suffer from alcohol or other substance abuse problems or gambling problems, or who have behavioral health problems.

(b) It is the obligation of all attorneys admitted to the practice of law in this state to participate in the collective effort to reimburse clients who have lost money or property as the result of the unethical and dishonest conduct of other attorneys and to provide crisis intervention and referral assistance to attorneys admitted to the practice of law in this state who suffer from alcohol or other substance abuse problems or gambling problems, or who have behavioral health problems.

(c) The client security fund is provided as a public service to persons using the legal services of attorneys practicing in this state and as a means of providing crisis intervention and referral assistance to impaired attorneys. All moneys and assets of the fund shall constitute a trust.

(d) The establishment, administration and operation of the fund shall not impose or create any obligation, expectation of recovery from or liability of the fund to any claimant or attorney, and all reimbursements therefrom shall be a matter of grace and not of right.

COMMENTARY: The above changes implement C.G.S. § 51-81d as amended by section 176 of Public Act 03-6 (June, 2003 Special Session) and by section 21 of Public Act 04-2 (May, 2004 Special Session).

**NEW Sec. 2-68A. —Crisis Intervention and Referral Assistance**

(a) The chief court administrator may enter into any contracts and take such other action as may be reasonably necessary to provide for crisis intervention and referral assistance to attorneys admitted to the practice of law in this state who suffer from alcohol or other substance abuse problems or gambling problems, or who have behavioral health problems.

(b) The crisis intervention and referral assistance shall be provided with the assistance of an advisory committee appointed by the chief court administrator that shall include one or more behavioral health professionals.

COMMENTARY: The above rule implements C.G.S. § 51-81d as amended by section 176 of Public Act 03-6 (June, 2003 Special Session) and by section 21 of Public Act 04-2 (May, 2004 Special Session).

**Sec. 2-70. —Client Security Fund Fee**

(a) The judges of the superior court shall assess an annual fee in an amount adequate for the proper payment of claims and the provision of crisis intervention and referral assistance under these rules and the costs of administering the client security fund. Such fee, which the judges of the Superior Court have set at \$110, shall be paid by each attorney admitted to the practice of law in this state and each judge, judge trial referee, state referee, family support magistrate, family support referee and workers' compensation commissioner in this state. Notwithstanding the above, an attorney who is disbarred, retired, resigned, or serving on active duty with the armed forces of the United States for more than six months in such year shall be exempt from payment of the fee, and an attorney who does not engage in the practice of law as an occupation and receives less than \$450 in legal fees or other compensation for services involving the practice of law during the calendar year shall be obligated to pay one-half of such fee. No attorney who is disbarred, retired or resigned shall be reinstated pursuant to Sections 2-53 or 2-55 until such

time as the attorney has paid the fee due for the year in which the attorney retired, resigned or was disbarred.

(b) An attorney or family support referee who fails to pay the client security fund fee in accordance with this section shall be suspended from the practice of law in this state until such payment has been made. An attorney or family support referee who is under suspension for another reason at the time he or she fails to pay the fee, shall be the subject of an additional suspension which shall continue until the fee is paid.

(c) A judge, judge trial referee, state referee, family support magistrate or workers' compensation commissioner who fails to pay the client security fund fee in accordance with this section shall be referred to the judicial review council.

COMMENTARY: The above changes implement C.G.S. § 51-81d as amended by section 176 of Public Act 03-6 (June, 2003 Special Session) and by section 21 of Public Act 04-2 (May, 2004 Special Session).

#### **Sec. 2-73. —Powers and Duties of Client Security Fund Committee**

In addition to any other powers and duties set forth in Sections 2-68 through 2-81, the client security fund committee shall:

(a) Publicize its activities to the public and bar, including filing with the chief justice and the executive committee of the superior court an annual report on the claims made and processed and the amounts disbursed.

(b) Receive, investigate and evaluate claims for reimbursement.

(c) Determine in its judgment whether reimbursement should be made and the amount of such reimbursement.

(d) Prosecute claims for restitution against attorneys whose conduct has resulted in disbursements.

(e) Employ such persons and contract with any public or private entity as may be reasonably necessary to provide for its efficient and effective operations, which shall include, but not be limited to, the investigation of claims and the prosecution of claims for restitution against attorneys.

(f) Pay to the chief court administrator for the provision of crisis intervention and referral assistance to attorneys admitted to the practice of law in this state who suffer from alcohol or other substance abuse problems or gambling problems, or who have behavioral health problems, any amounts required pursuant to Section 2-77.

[f] (g) Perform all other acts necessary or proper for the fulfillment of the purposes and effective administration of the fund.

COMMENTARY: The above changes implement C.G.S. § 51-81d as amended by section 176 of Public Act 03-6 (June, 2003 Special Session) and by section 21 of Public Act 04-2 (May, 2004 Special Session).

#### **Sec. 2-76. —Confidentiality**

(a) Claims, proceedings and reports involving claims for reimbursement for losses caused by the dishonest conduct of attorneys are confidential until the client security fund committee authorizes a disbursement to the claimant, at which time the committee may disclose the name of the claimant, the attorney whose conduct produced the claim and the amount of the reimbursement. However, the client security fund committee may provide access to relevant information regarding such claims to the statewide grievance committee, grievance panels and to law enforcement agencies. The client security fund committee may also provide statistical information regarding claims which does not disclose the names of claimants and attorneys until a disbursement is authorized.

(b) All information given or received in connection with the provision of crisis intervention and referral assistance under these rules shall be subject to the provisions of General Statutes § 51-81d(f).

COMMENTARY: The above changes implement C.G.S. § 51-81d as amended by section 176 of Public Act 03-6 (June, 2003 Special Session) and by section 21 of Public Act 04-2 (May, 2004 Special Session).

**Sec. 2-77. —Review of Status of Fund**

The client security fund committee shall periodically analyze the status of the fund, the approved claims and the pending claims, and the cost to the fund of providing crisis intervention and referral assistance to attorneys, to ensure the integrity of the fund for its intended purposes. Based upon the analysis and recommendation of the client security fund committee, the judges of the superior court may increase or decrease the amount of the client security fund fee and the superior court executive committee may fix a maximum amount on reimbursements payable from the fund.

The amount paid from the fund in any calendar year to the chief court administrator for the provision of crisis intervention and referral assistance to attorneys shall not exceed 15.9% of the amount received by the fund from payments of the client security fund fee in the prior calendar year. If less than the 15.9% maximum amount is paid from the fund in any calendar year for the provision of crisis intervention and referral assistance to attorneys, the remaining amount may not be carried over and added to the amount that may be paid from the fund for that purpose in any other year.

COMMENTARY: The above changes implement C.G.S. § 51-81d as amended by section 176 of Public Act 03-6 (June, 2003 Special Session) and by section 21 of Public Act 04-2 (May, 2004 Special Session).

The second paragraph of the above rule shows by a percentage the maximum amount of Client Security Fund money that can be expended for crisis intervention and referral assistance to attorneys in a given year. It represents one half of the increase to the Client Security Fund fee.

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